

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David Brian WECKER et al.

Application No.: 10/725,604

Confirmation No.: 4652

Filed: December 3, 2003

Art Unit: 2624

For: SCALED TEXT REPLACEMENT OF INK

Examiner: M. J. Vanchy

**STATEMENT OF SUBSTANCE OF INTERVIEW IN
ACCORDANCE WITH MPEP §713.04**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Applicant submits herewith a statement on the substance of the personal interview held on February 10, 2009.

Figures 3-6 and paragraphs 0029 and 0037 of Gounares were discussed in detail with respect to the amendment of claim 1. Applicants' representative expressed his position that although Gounares teaches a size property that can be set for an ink object as a way of controlling how electronic ink can be displayed, Gounares does not teach calculating the size of electronic ink as it is input, and determining a size of recognized text that is equal to the size of the electronic ink.

Amendments to the claims that may be necessary to address section 101 issues were also discussed.

Applicants' representative determined that Gounares disclosure of setting properties such as Font size programically based on attributes of text at an insertion point (paragraph 0029)

pertains to setting the Font size property of an ink object to be the value of the Font size property of neighboring text. Gounares does not have a feature of calculating a size (e.g., height) of arbitrary electronic ink input by a user.

During the interview, the Examiner had indicated that "original size of the electronic ink input" may not necessarily relate to electronic ink as input by the user. During the interview, the Examiner had indicated that "determining" an original size can include inputting a size parameter value. During the interview, the Examiner expressed that the term "substantially equal" is subjective.

Applicants' representative indicated that he would reconsider the claims based on the Examiner's comments.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 23, 2009

Respectfully submitted,

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